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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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 ARAZ ALALI, : 07 Civ. 1296 (CLB)
 Plaintiff, :
 -against- :
 ROBERT GAZZOLA, individually, PATRICK J. : **NOTICE OF MOTION FOR**
 CARROLL, individually, and the CITY OF NEW : **SUMMARY JUDGMENT**
 ROCHELLE, New York, :
 Defendants. :
 -----x

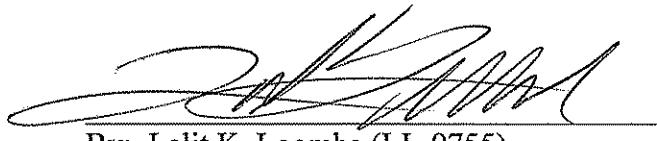
PLEASE TAKE NOTICE that upon the annexed statement of undisputed facts submitted pursuant to Local Rule 56.1, dated August 2, 2007; the annexed declaration of Lalit K. Loomba, Esq., dated August 2, 2007 and the exhibits annexed thereto; the annexed affidavit of James Fortunato, sworn to July 30, 2007; the annexed affidavit of Robert Gazzola, sworn to July 27, 2007, the accompanying memorandum of law dated August 2, 2007, and all the prior proceedings herein, the defendants Robert Gazzola, Patrick J. Carroll and the City of New Rochelle will move this Court, before the Hon. Charles L. Brieant, on September 28, 2007, at 10:00 a.m., or as soon thereafter as counsel may be heard, for an

Order, pursuant to Rule 56 of the Federal Rules of Civil Procedure, dismissing the complaint with prejudice on grounds of absolute and qualified immunity, and for such other, different and further relief as the Court in its discretion may deem just and proper.

PLEASE TAKE FURTHER NOTICE that this motion is made pursuant to the procedure set forth in paragraph 3(d) of the Civil Case Discovery Plan and Scheduling Order, entered on May 25, 2007.

Dated: White Plains, New York
August 2, 2007

WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP
Attorneys for Defendants



By: Lalit K. Loomba (LL-9755)

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